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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 WESTERN REGIONAL ADVOCACY
11 PROJECT, *et al.*,

12 Plaintiffs,

13 v.

14 MAYOR GAVIN NEWSOM, *et al.*,

15 Defendants.
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Case No.: C 08-4087 MMC

CLASS ACTION

**~~PROPOSED~~ ORDER RE:
PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT**

Judge: Hon. Maxine M. Chesney

Date Action Filed: August 27, 2008

1 The Joint Motion of Plaintiffs Western Regional Advocacy Project, Coalition on
 2 Homelessness, and Calvin Davis (“Plaintiffs”); and of Defendants Mayor Gavin Newsom, Board
 3 of Supervisors of San Francisco County, and City and County of San Francisco (“the City” or
 4 “Defendants”) for Preliminary Approval of Settlement Agreement ^{came before} ~~was heard by~~ this Court on
 5 _____, 2010, at _____ a.m. The parties have advised the Court that they have
 6 settled this action, and that the terms of such settlement are memorialized in a Settlement
 7 Agreement (“Agreement”), which has been approved by an ordinance passed by the Board of
 8 Supervisors and signed by the Mayor. The Court has reviewed and considered the Agreement,
 9 the record in this case, and the arguments of counsel. Therefore, for good cause appearing, it is
 10 hereby ordered as follows:

11 1. The proposed settlement set forth in the Agreement is hereby preliminarily
 12 approved as being within the range of reasonableness such that notice thereof should be given to
 13 the settlement class members.

14 2. The class notice, attached as Exhibit B to the Declaration of Ronald Elsberry in
 15 Support of Joint Motion for Preliminary Approval of Settlement Agreement, is hereby approved
 16 as to form, **with the exception that the sentence on page 4, beginning with “If you wish to be**
 17 **on the service list,” shall be deleted.**

18 3. The proposed settlement class is hereby certified subject to final approval of the
 19 Agreement.

20 4. The parties are hereby authorized to issue the class notice as follows:

21 Within seven days after notice of this order granting preliminary approval, the City shall
 22 distribute notice of the proposed Agreement advising the settlement class of the terms of the
 23 proposed Agreement and their right to object to the proposed Agreement. This notice shall be
 24 published as follows:

25 (a) The City shall post the notice at all the City’s single adult emergency
 26 shelters, drop-in centers, resource centers, and reservation stations. The notice shall be made
 27 available in English, Spanish, and large print. The posting of the notice shall continue for a
 28 period of 35 days.

1 (b) The notice shall also be made available to the Coalition on Homelessness
2 for publication as soon as practicable in the next two consecutive issues of the Street Sheet,
3 which is published on the first and fifteenth of each month. This notice will include a brief
4 statement of the claims released by the class; the date of the hearing on the final approval of the
5 class settlement; the deadline for submitting objections to the settlement; the web page(s),
6 address(es), and phone and fax numbers that may be used to obtain a copy of the notice of
7 proposed settlement of class action lawsuit in the format and language requested.

8 (c) Plaintiffs' attorneys and Defendants' attorneys shall provide the notice of
9 the proposed settlement of class action lawsuit in English, Spanish, or large print, as requested by
10 any class member, advocacy group, government, or their counsel. Copies of the notice of
11 proposed settlement of class action lawsuit shall be provided without charge for copying or
12 mailing.

13 (d) Plaintiffs' attorneys shall post the notice of proposed settlement of class
14 action lawsuit on the website of Disability Rights Advocates.

15 (e) Defendants' attorneys shall post the notice of proposed settlement of class
16 action lawsuit on the website of the San Francisco Human Services Agency.

17 5. The Court finds that the forms of notice to the settlement class members regarding
18 this action and the settlement, including the methods of dissemination to the proposed settlement
19 class members in accordance with the terms of this Order, constitute the best notice practicable
20 under the circumstances.

21 6. Any settlement class member may enter an appearance in this action and/or may
22 seek to intervene in this action, individually or through the counsel of their choice at his or her
23 expense. Settlement class members who do not enter an appearance will be represented by Class
24 Counsel.

25 7. Objections by any settlement class member to: (a) the proposed settlement
26 contained in the Agreement and described in the class notice; (b) the payment of fees and
27 reimbursement of expenses to Plaintiffs' counsel as set forth in the Agreement; and/or (c) entry
28 of the judgment shall be heard, and any papers submitted in support of said objection shall be

considered, by the Court at the fairness hearing only if, on or before ~~the 49th day after entry of this Order, or July 21, 2010~~, such objector files with the Clerk of the United States District Court for the Northern District of California: (1) a notice of his, her, or its objection and a statement of the basis for such objection; and (2) if applicable, a statement of his, her, or its intention to appear at the fairness hearing. Copies of the foregoing must also be mailed or delivered to counsel for the parties identified in the class notice. In order to be considered for hearing, all objections must be ^{filed with} ~~submitted to~~ the Court and actually received by the counsel identified in the class notice on or before ~~the 49th day after entry of this Order, or July 21, 2010~~. A settlement class member need not appear at the fairness hearing in order for his, her, or its objection to be considered.

July 30, 2010

8. No later than ~~seven days before the fairness hearing~~, the parties shall file all papers in support of the application for final approval of the settlement and/or any papers in response to any valid and timely objection with the Court, and shall serve copies of such papers upon each other and upon any objector who has complied with the provisions of paragraph 7 of this Order.

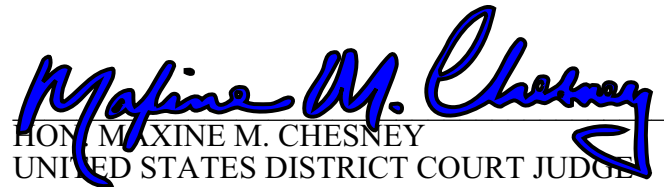
9. A fairness hearing shall be held by the Court on ~~the first available hearing date that is no sooner than 63 days after entry of this Order, or August 13, 2010, at 9:00 a.m.~~, in the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California 94102, to consider and determine whether the proposed settlement of the action on the terms set forth in the Agreement should be approved as fair, just, reasonable, adequate, and in the best interests of the settlement class; whether Plaintiffs' counsel's attorneys' fees and reimbursement of expenses should be approved; and whether an Order approving the settlement and dismissing the action on the merits and with prejudice against the Plaintiffs and all settlement class members, subject to the Court retaining jurisdiction to administer and enforce the Agreement, should be entered.

10. The fairness hearing may, from time to time and without further notice to the settlement class members (except those who have filed timely and valid objections or entered an appearance), be continued or adjourned by order of the Court.

1 11. Each party shall bear its own costs to effect notice as described in Paragraph 4,
2 *supra*.

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4 **IT IS SO ORDERED.**

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6 DATED: June 2, 2010


HON. MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE